

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS  
AND LANDSCAPE ARCHITECTS MEETING**

**MINUTES**

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 18, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

John S. Clark, Jr.  
J. Everette Fauber, III

**Land Surveyors**

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

**Landscape Architects**

Vaughn B. Rinner  
William H. Spell

**Professional Engineers**

Stanley C. Harris, Sr.  
Wiley V. Johnson, III

**Interior Designers**

Lorri B. Finn  
Cameron C. Stiles

Board members Kenneth A. Schwartz and Nico De León were not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Program Administrator  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Mr. Harris, Chair, called the meeting to order at 9:00 a.m.

Mr. Clark moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. Courtney introduced the new Executive Director for the APELSCIDLA Board, Kathleen “Kate” R. Nosbisch.

**Call to Order**

**Approval of Agenda**

**Introduction of  
Executive Director**

Mr. Clark moved to approve the minutes for the following meetings as amended:

**Approval of  
Minutes**

- February 27, 2008, Informal Fact-Finding Conference (Arch);
- March 19, 2008, APELSCIDLA Board Meeting;
- March 25, 2008, Informal Fact-Finding Conference (PE);
- May 5, 2008, Resource Guide Committee;
- May 6, 2008, Architects Section;
- May 13, 2008, Professional Engineers Section; and
- May 21, 2008, Land Surveyors Section.

Mr. Spell seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

**Public Comment Period** – Hamilton Palmer, Land Surveyor, was present to address the Board members in regards to land surveyors sealing plans which include the use of manufactured BMP's. Mr. Palmer stated that he has been using this practice since 1992 for local government work and recently he has been asked to produce something in writing from the Board stating that he is qualified to seal these plans.

**Public Comment  
Period**

Craig Moore was present to address the Board members concerning §§ 54.1-402.1 and 54.1-406.D of the *Code of Virginia* as well as the discussion topic of *Record Drawings*. Mr. Moore stated that these parts of the *Code* put undue burdens on licensees.

Robert Travers, Esquire, and Mr. Hassan were present to address the Board. Mr. Travers stated that Mr. Hassan did not mark his drawings as preliminary, which in fact was a violation of the Board's regulations. As soon as this complaint was brought to Mr. Hassan's attention, the discrepancy was corrected. Mr. Travers noted that Mr. Hassan was not clear on the requirements at that time. Mr. Hassan stated that he has implemented a training program at his office twice a year for all staff to be updated on Board regulations and the *Code of Virginia*.

**File Number 2007-  
03878, Ahmed  
Hassan**

Regarding **File Number 2007-03878, Ahmed H. Hassan**, the Board Members reviewed the record, the Consent Order as seen and agreed to by Mr. Hassan, and the presentation by Mr. Travers and Mr. Hassan. Mr. McAden moved to accept the Consent Order, in which Mr. Hassan neither admits nor denies, but which cites a violation of 18 VAC 10-20-760.B.2 of the Board's regulations. For this violation Mr. Hassan agrees to a fine in the amount of \$100.00 and Board costs in the amount of \$500.00 for a total monetary penalty of \$600.00. Mr. Johnson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, Rinner, Spell, Stephenson, and Stiles.

As the reviewing Board member, Ms. McIntyre was not present during the presentation, discussion, or vote.

Mr. Harris turned the position of Chair over to Ms. Stiles and recused himself from the meeting.

**Transfer of Chair**

Mr. Ruby was present to address the Board. Mr. Ruby stated that he has a BS in Architecture from University of Maryland with three years of work experience in the field of architecture. Mr. Ruby noted that he expected to get his MS in engineering and have it count as his first professional degree for licensure as a PE (as it would towards licensure as an architect). Mr. Ruby believes his combination of education should be considered as a related science.

**File Number 2008-03235, Daniel Ruby**

Regarding **File Number 2008-03235, Daniel Ruby**, the Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference, as well as the presentation of Mr. Ruby. Mr. Clark moved to accept the Summary and Recommendation as written and consider Mr. Ruby's application pursuant to 18 VAC 10-20-210.3 as a non-approved engineering degree of 4 years or more and that Ruby be allowed to sit for the Professional Engineers exam after he has successfully obtained one (1) additional year of progressive engineering experience for a total of six (6) years; therefore, his application is denied at this time. Mr. Johnson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

As the presiding Board member Mr. Harris was not present during the discussion or vote.

Regarding **File Number 2008-00846, Suresh R. Baral**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Baral. Ms. McIntyre moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 10-20-740.D (Count 1); 18 VAC 10-20-760.B.1 (Count 2); 18 VAC 10-20-760.A (Count 3); 18 VAC 10-20-770 (Count 4); and 18 VAC 10-20-700.A (Count 5). For these violations, Mr. Baral agrees to the following monetary penalties: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$00.00 for the violation contained in Count 3; \$500.00 for the violation contained in Count 4; and \$500.00 for the violation contained in Count 5; as well as \$150.00 in Board costs for a total monetary penalty of \$2,650.00. Mr. Baral also agrees to a two (2) year probation of his license during which time Mr. Baral agrees to the following: to comply with all rules and regulations of the APELSCIDLA Board; not be involved in any lawsuits at any level (which the Board interprets to mean a legal matter in which he is a defendant arising from his conduct in the field of engineering); and not be in violation of any state, local, or federal laws or regulations. Mr. Spell seconded the motion which was unanimously approved by members: Fauber, Finn, Johnson, McAden, McIntyre, Rinner,

**File Number 2008-00846, Suresh R. Baral**

Spell, Stephenson, and Stiles.

As the reviewing Board members, Mr. Harris and Mr. Clark were not present during the discussion or vote.

Mr. Harris returned to the meeting and resumed the position of Chair.

**Transfer of Chair**

Mr. Letchford was present to address the Board. Mr. Letchford stated that the Consent Order he agreed to was in two parts concerning a verbal agreement with a past employer. Mr. Letchford knows that all contracts should be in writing and signed by both parties and will do so in the future. Mr. Letchford requested that the first part of the Consent Order be accepted and that he be given an opportunity to review the second part with the Sections and to return before the Board in the September meeting. Mr. Courtney clarified with Mr. Letchford that he did sign the Consent Order and asked him if he did not wish to enter into the Order at this time. Mr. Letchford noted that he was not aware he was able to speak to the Sections and he did not want to enter into the Consent Order.

**File Number 2007-02205, Stephen C. Letchford**

Regarding **File number 2007-02205, Stephen C. Letchford**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Letchford as well as the presentation by Mr. Letchford. Mr. Stephenson moved to reject the Consent Order and refer the matter to an Informal Fact-Finding Conference to be heard before Mr. McAden. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McIntyre, Rinner, Spell, Stephenson, and Stiles.

As the reviewing Board member, Mr. McAden was not present during the presentation, discussion, or vote.

Mr. Randall was present to address the Section and admit that he did sign and seal the plans in question that were prepared by a designer who was not under written contract. Mr. Randall noted that he reviewed the plans, the designer then corrected the plans per his instructions, and then he sealed the plans.

**File Number 2008-02987, Daniel J. Randall**

Regarding **File Number 2008-02987, Daniel J. Randall**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Randall, and the presentation by Mr. Randall. Mr. Stephenson moved to accept the Consent Order which cites a violation of 18 VAC 10-20-760.A of the Board's regulations. For this violation Mr. Randall agrees to a monetary penalty of \$1,000.00 as well as \$150.00 in Board costs for a total monetary penalty of \$1,150.00. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Fukui Architects, PC. Mr. McAden seconded the motion which was

**Agreement for Registration 2008-03, Fukui**

unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

**Architects, PC**

After reviewing the application and Agreement for Registration, Ms. McIntyre moved to accept the Agreement for Registration as seen and agreed to by RSL Commercial Architecture, Inc. Mr. Spell seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

**Agreement for  
Registration 2008-  
02, RSL  
Commercial  
Architecture, Inc.**

After reviewing the application, Agreement for Registration, and the letter dated June 16, 2008, from J. Darrin Holt, PhD, PE, President of FDH Engineering, Inc., Mr. Clark moved to accept the Agreement for Registration as seen and agreed to by FDH Engineering, Inc. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

**Agreement for  
Registration 2008-  
05, FDH  
Engineering, Inc.**

The Board members were provided with a summarized list of the 761 comments received on the proposed continuing education regulations during the public comment period of March 3, 2008, to May 2, 2008. Mr. Courtney noted that the Sections would be provided with the comments at their meetings and the Board would be asked for a vote on the Board response at the September APELSCIDLA Board meeting. The Board members discussed one of the comments received from several commentors regarding an inactive status of license or retired/emeritus status. Mr. Courtney and Mr. DeBoer agreed to work on this matter with Board counsel and bring it back for review at the Section meetings as well as at the next APELSCIDLA Board meeting.

**Discussion of Final  
Continuing  
Education  
Regulations**

The Board members reviewed the summary of, and draft response to, the public comments. After discussion, Mr. Clark moved to adopt the response to the public comments as prepared by staff. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

**Consideration of  
Final ARE/IDP  
Regulations**

The Board members reviewed the draft final regulations. After review, Mr. Fauber moved to adopt the final regulations. Mr. Fauber further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Clark seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

The Board members took a break from 10:05 a.m. to 10:20 a.m.

**Break**

Mr. Bert Jones was present from Department of General Services to give some background on this matter. After discussion, Mr. Fauber moved to approve the language submitted by Mr. Jones of DEB/DGS and clearly state that such Record Drawings shall not be sealed. Mr. Johnson seconded the motion which was approved unanimously by members: Clark, Fauber, Finn, Harris, Johnson,

**Discussion of Record  
Drawings**

McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. Spell left the meeting at 11:35 a.m.

**Departure of Mr. Spell**

After review and discussion, Mr. Fauber moved that Land Surveyors may be qualified to use manufactured BMP's which are not in closed systems. Mr. Clark seconded the motion which was approved by members: Clark, Fauber, Finn, McAden, McIntyre, Rinner, Stephenson, and Stiles. Mr. Harris and Mr. Johnson voted in opposition of the motion. The motion passed with a majority vote.

**Discussion of Use of Land Surveyor's Seal for Preparation of Plans which include BMP's**

Mr. Stephenson informed the Board members of his conversation with Mr. Gary Thompson, Chairman of the North Carolina Land Surveyor Board, regarding 3D modeling for construction stakeout. North Carolina only had one harmful incident which led them to adopt a policy on 3D Modeling for construction stakeout. Mr. Stephenson noted that he does not see that this should cause the Board to take any action at this time.

**Discussion of North Carolina Board Action on 3D Modeling for Construction Stakeout**

Mr. Clark moved to nominate Cameron C. Stiles as Chair, and Nancy E. McIntyre as Vice-Chair, of the Board for the term beginning July 1, 2008, and ending June 30, 2009. Mr. Clark further moved that in the event that Ms. Stiles is not re-appointed as a Board member, Ms. McIntyre would assume the position as Chair and Ms. Finn would assume the position as Vice-Chair. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

**Election of Officers**

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive Report of CID Activity**

The Board members were provided with financial statements from April 2008 for informational purposes.

**Review of Board Financial Statements**

Mr. Clark moved to adopt the following resolution for service for Kenneth A. Schwartz:

**Other Business**

**Resolution To**

**Kenneth A. Schwartz**

WHEREAS, **Kenneth A. Schwartz** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2004 to 2008;

WHEREAS, **Kenneth A. Schwartz** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Kenneth A. Schwartz** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this eighteenth day of June 2008, that **Kenneth A. Schwartz** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Mr. Courtney asked that the Board members authorize Ms. Nosbisch as an Associate Member of NCEES. Ms. McIntyre moved that Ms. Nosbisch be authorized as an Associate Member of NCEES for the APELSCIDLA Board. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. McAden moved that Ms. Nosbisch be authorized as the funded voting delegate for the NCEES Annual Meeting in August 2008. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. Courtney informed the Board members that Mr. Doyle Allen received the NCEES NE Zone award. Mr. Allen requested Mr. Courtney express his gratitude to the Board for the nomination. Mr. Courtney also noted that Mr. Sirine was not chosen to receive an NCEES award this year.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 12:00 p.m.

**Adjourn**

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Stanley C. Harris, Sr., Chair

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Jay W. DeBoer, Secretary

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